

Patents (Amendment) Act, 2005

Section 7 - Amendment of Section 9

In section 9 of the principal Act,- (a) for sub-section (1), the following sub-section shall be substituted, namely:- "(1) Where an application for a patent (not being a convention application or an application filed under the Patent Cooperation Treaty designating India) is accompanied by a provisional specification, a complete specification shall be filed within twelve months from the date of filing of the application, and if the complete specification is not so filed, the application shall be deemed to be abandoned."; (b) in sub-section (2), the following proviso shall be inserted at the end, namely:- "Provided that the period of time specified under sub-section (1) shall be reckoned from the date of filing of the earliest provisional specification."; (c) for sub-sections (3), the following sub-section shall be substituted, namely:- "(3) Where an application for a patent (not being a convention application or an application filed under the Patent Cooperation Treaty designating India) is accompanied by a specification purporting to be a complete specification, the Controller may, if the applicant so requests at any time within twelve months from the date of filing of the application, direct that such specification shall be treated, for the purposes of this Act, as a provisional specification and proceed with the application accordingly."; (d) in sub-section (4), for the words "the acceptance of the complete specification", the words "grant of patent" shall be substituted.